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**OCT 19 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Thoman, et al. :  
Application No. 10/056,812 :  
Filed: January 24, 2002 :  
Attorney Docket No. NC 73962 :  
For: LIGHTWEIGHT THERMAL HEAT :  
TRANSFER APPARATUS :

**ON PETITION**

This is a decision on the reconsideration petition under 37 CFR 1.181, filed July 19, 2006 (certificate of mailing date July 18, 2006), to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit a reply to the February 9, 2004 non-final, which set an extendable one month period for reply. No extensions of time or reply being received, the Office considered this application abandoned on March 10, 2004. No Notice of Abandonment has been mailed.

Petitioners allege that the February 9, 2004 non-final Office action not received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.<sup>1</sup>

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<sup>1</sup> See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioners have submitted a copy of the docket record where the requirement would have been entered had the February 9, 2004 non-final Office action been received. In addition, practitioner referenced the record in the petition and stated that a review of the application's file jacket and docket records for the February 9, 2004 non-final Office action was fruitless.

Petitioners have established non-receipt. The petition is **granted** and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center A.U. 3744 for consideration of the election filed on July 19, 2006 (certificate of mailing date July 18, 2006). (It is unnecessary to re-mail the February 9, 2004 non-final Office action because petitioners have already responded.)

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions